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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,868	10/03/2003	Karen Lynn DeMartini	5863-00101	1284
35690 7590 05/30/2007 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER EL ARINI, ZEINAB	
			ART UNIT 1746	PAPER NUMBER
			MAIL DATE 05/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/678,868

Applicant(s)

DEMARTINI, KAREN LYNN

Examiner

Zeinab E. EL-Arini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/07/07 has been entered.

The rejections stated in paper No. 20060926 have been withdrawn in view of applicant's amendment and remarks.

Claims 18-20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Jr. (5,224,508) (new reference) in combination with Miller or GB 2272553 (GB'553).

Bates discloses a method comprising providing a leak diversion device, the leak diversion device receiving fluid leaked from the device, and diverting the fluid in contact with the leak diversion device to a location external to the leak diversion device that is

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visible to the user of the device. See col. 3, line 58- col. 4, line 41, col. 5, lines 28-38,

the figures and the claims, wherein stated that the present invention

providing a device for protecting the dishwasher and the

underlying surface on which the automatic dishwasher is

supported. The protective device comprises means for

intercepting and preventing an accumulation of leakage liquid

from the dishwasher prior to the leakage liquid contacting the

underlying surface. It also includes means in the intercepting

and preventing means for diverting leakage liquid from the

dishwasher and away from an enclosed area located beneath the

dishwasher and alerting a user of the dishwasher that leakage

liquid is being emitted from the dishwasher. The protective device further includes means for facilitating the installation of the protective device beneath the dishwasher after installation of the dishwasher on the underlying surface. The protective device is generally comprised of a flat bottom surface, a forwardly angled rear wall, and two vertical side walls. There is no front wall. The diverting and alerting means is preferably comprised of a bottom surface which extends at least as far forward as a lower front surface of the dishwasher so that leakage liquid is diverted away from an enclosed area beneath the dishwasher to an area visible to the user of the dishwasher. This is a significantly different approach than prior art devices which divert leakage liquid to the exterior of the building or to a collection pan. The installation facilitating means includes a wedge-like rear edge for sliding beneath the dishwasher supports, and a rear wall having a deformable portion, which is movable to a flat position against the bottom wall as the rear wall, is slid beneath the dishwasher supports.

The present invention also provides a method of protecting an automatic dishwasher and an underlying surface supporting the dishwasher from damage resulting from leakage liquid from the

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dishwasher. The method comprises installing a protective device as described above without removing the installed dishwasher, and positioning the protective device for intercepting and preventing an accumulation of leakage liquid from the dishwasher prior to the leakage liquid contacting an underlying surface, diverting leakage liquid from the dishwasher away from the area beneath the dishwasher, and alerting a user of the dishwasher to the leakage liquid emitting from the dishwasher. The method can further comprise the step of diverting the leakage liquid from the dishwasher to an area visible to a user of the dishwasher. Drip pan 10 is preferably sized so that when rear edge 45 is adjacent to rear wall 66 of opening 58, front edge 42 extends at least as far forward as the bottom front edge 57 of cabinet 55. Any liquid 60 which leaks into the area beneath the dishwasher 50 is intercepted by the drip pan 10, and eventually is diverted to an area visible to the user in front of the dishwasher 50 and the kitchen cabinet 55. The user is thus alerted to the leakage liquid 60, preventing damage to the dishwasher 50 and the underlying surface 65 from otherwise undetected leakage.

Bates does not teach the slanted surface as claimed.

Miller discloses an apparatus comprising a device and a leak diversion device comprises a sloping surface. See the abstract, and col. 3, lines 19-23.

GB'553 discloses an apparatus comprises a device and a leak diversion device. The diversion device comprises a slanted surface positioned to contact fluid released from the device. See the abstract, figures 1 and 2, and the claims.

It would have been obvious for one skilled in the art to use the slanted surface taught by Miller or GB'553 in the method taught by Bates to enhance and improving the diverting step.

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2. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in combination with Miller or GB'553 as applied to claim 18 above, and further in view of Jones '442 and DE'361.

Bates in combination with Miller or GB'553 as discussed supra do not teach dyeing the fluid on the slanted surface (claim 19), and the at least one hole above the slanted surface (claim 20).

Jones '442 discloses a method for locating leaks. The reference discloses using water-soluble dye. See the abstract, and the claims.

DE'361 discloses an apparatus comprising a device and a leak diversion device. The reference discloses the device, the supporting, a surface coupled to the leak diversion device that has at least one hole.

It would have been obvious for one skilled in the art to use the at least one hole taught by DE'361, the dye taught by Jones in the Bates in combination with Miller or GB'553 to obtain the claimed process. This is because it is well known in the art to use color or dye to detect the liquid leak. Using the surface that has one hole coupled to the leak diversion device taught by DE'361 in the Bates system will enhance and improving the diverting of the leaked fluid.

Response to Arguments

1. Applicant's arguments with respect to claims 18-20 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (571) 272-1301. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zeinab E. EL-Arini
Zeinab E. EL-Arini
Primary Examiner
Art Unit 1746

ZEE

05/21/07